

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Confirmation No. 1799

BATTISTINI et al.

Atty. Ref.: 4865-38

Appln. No. 10/812,308

T.C. / Art Unit: 1611

Filed: March 30, 2004

Examiner: C.E. Rae

FOR: USE OF (3-(2-ETHYLPHENYL)-5-METHOXYPHENYL)-1H-[1,2,4]-TRIAZOLE FOR  
THE TREATMENT OF AUTOIMMUNE DISEASES

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**REFUND REQUEST**

April 28, 2009

**Mail Stop 16 – Refund**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Please refund the fees paid for the Notice of Appeal filed December 6, 2007 and the Appeal Brief filed February 6, 2008, because no decision was reached on that appeal after the Examiner reopened prosecution by another Office Action mailed April 4, 2008. Therefore, a refund of \$1020 to our Deposit Account No. 14-1140, Order No. 4865-38 is respectfully requested.

New fees for the Notice of Appeal (\$540) and the Appeal Brief (\$540) were paid on January 26, 2009 and April 28, 2009, respectively.

If you have any questions about this request, please contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_ /Gary R. Tanigawa/

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